

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**FIRST HORIZON HOME LOAN** : **CIVIL ACTION NO. 1:03-CV-1735**  
**CORP. t/d/b/a MNC MORTGAGE,** :

:(**Judge Conner**)

**Plaintiff** :

:(  
v.

**GARY L. SWEITZER ENTERPRISES,** :  
**INC., et al.,** :

**Defendants** :

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**GARY GERTSEN, et al.,** : **CIVIL ACTION NO. 1:04-CV-1779**

**Plaintiffs** : (**Judge Conner**)

:(  
v.

**FIRST HORIZON HOME LOAN** :  
**CORP., et al.,** :

**Defendants** :

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**FRANCIS A. DUNLOP, et al.,** : **CIVIL ACTION NO. 1:05-CV-0725**

**Plaintiffs** : (**Judge Conner**)

:(  
v.

**FIRST HORIZON HOME LOAN** :  
**d/b/a FT MORTGAGE d/b/a MNC**  
**MORTGAGE, et al.,** :

**Defendants** :

**ORDER**

AND NOW, this 1st day of June, 2005, upon consideration of the pleadings in the above-captioned cases, and it appearing that the above-captioned cases arise

from the same underlying events and involve common parties and common questions of fact and law, see FED. R. CIV. P. 42(a), and that none of the parties oppose consolidation of the above-captioned cases, see Cella v. Togum Constructeur Ensembleier en Industrie Alimentaire, 173 F.3d 909, 912-13 (3d Cir. 1999) (discussing consolidation), it is hereby ORDERED that:

1. The above-captioned cases are CONSOLIDATED for all purposes.<sup>1</sup>
2. The Clerk of Court is directed to CONSOLIDATE the cases docketed as Civil Action No. 1:03-CV-1735 and Civil Action No. 1:05-CV-0725 into the case docketed as Civil Action No. 1:04-CV-1779 and to CLOSE the cases docketed as Civil Action No. 1:03-CV-1735 and Civil Action No. 1:05-CV-725.
3. All future documents filed in this consolidated case shall be filed under the case docketed as Civil Action No. 1:04-CV-1779.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge

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<sup>1</sup> As the court previously noted, consolidation of the above-captioned cases is without prejudice to any party's right to file appropriate pre-trial motions or to move for severance with respect to individual claims. See, e.g., Cella, 173 F.3d at 912-13 ("[C]onsolidation is permitted as a matter of convenience and economy in administration, but does not merge the suits into a single cause, or change the rights of the parties, or make those who are parties in one suit parties in another.") (quoting Johnson v. Manhattan Ry. Co., 289 U.S. 479, 496-97 (1933)).